ORIGINAL

No. 97-1683

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1997

Supreme Court, U.S.
FILED
JUN 5 1998
CLERK

In Re:

PINTLAR CORPORATION and GULF USA CORPORATION,

Debtors.

DAVID J. ROWLAND, JEREMY E. JAMES, DAVID L. HUDD and DEREK J. MORAN,

Petitioners,

v.

BERNARD GOODSON, FORD ELSAESSER, LOWELL FINLEY and JAY J. MILLER, as Trustees,

Respondents.

ON MOTION TO DEFER CONSIDERATION ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

NOTICE OF MOTION AND AFFIRMATION IN SUPPORT OF MOTION TO DEFER CONSIDERATION OF PETITION

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Counsel for Petitioners David J. Rowland, Jeremy E. James, David L. Hudd and Derek J. Moran

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NOTICE OF MOTION TO DEFER CONSIDERATION OF PETITION

PLEASE TAKE NOTICE, that upon the annexed affirmation of Lawrence A. Blatte dated June 4, 1998 and accompanying affirmation of non-opposition by Respondents dated June 4, 1998, Petitioners David J. Rowland, Jeremy E. James, David L. Hudd and Derek J. Moran (the "Petitioners") by their attorneys, Rosen & Reade, LLP hereby apply to this Court for an Order deferring consideration of Petitioners' Petition for a Writ of Certiorari (the "Petition") in this matter until such time as the Petitioners move for consideration of the Petition to be heard without further delay, or alternatively advise the Court that the Petitioners are withdrawing the Petition.

The reason for this application is that the necessary parties in this case are currently involved in settlement negotiations. It is anticipated that the parties will enter into a settlement agreement this month and that it will be promptly submitted to the United States Bankruptcy Court for the District of Idaho for its approval of the settlement.

The Respondents to the Petition consent to and support the within application.

Dated: New York, New York
June 4, 1998

Lawrence A. Blatte (LB-2977)
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David J. Rowland
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David L. Hudd
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AFFIRMATION IN SUPPORT OF MOTION TO DEFER CONSIDERATION OF PETITION

LAWRENCE A. BLATTE, an attorney duly admitted to practice before the Supreme Court of the United States, affirms, under penalty of perjury as follows:

1. I am a member of Rosen & Reade, LLP, attorneys for Petitioners, David J. Rowland ("Rowland"), Jeremy E. James ("James"), David L. Hudd ("Hudd") and Derek J. Moran ("Moran," and collectively with Rowland, James and Hudd, the "Petitioners") herein. I make this affirmation in support of Petitioners' motion to defer consideration of the Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit (the "Petition") from June

11, 1998 until such time as Petitioners move for the Petition to be heard without further delay or alternatively advise the Court that Petitioners are withdrawing the Petition.

2. The opinion and order of the Court of Appeals was filed on November 3, 1997 and, after rehearing, amended on January 14, 1998. The jurisdiction of this Court to review the opinion and order of the Court of Appeals by Writ of Certiorari is conferred by 28 U.S.C § 1254(1).

3. The Petition dated April 14, 1998, Respondents' Brief in Opposition dated May 12, 1998, and Petitioners' Reply to Brief in Opposition dated May 22, 1998 have all been duly served and filed in this Court.

4. Upon information and belief, this Court will conference the above-mentioned Petition on June 11, 1998.

5. The necessary parties in this case are currently involved in settlement negotiations. It is anticipated that the parties will enter into a settlement agreement this month and that it will be promptly submitted to the United States Bankruptcy Court for the District of Idaho for its approval of the settlement.

6. Therefore, the Petitioners respectfully request that this Court defer consideration of the Petition in this matter until such time as the Petitioners move for consideration of the Petition without further delay, or alternatively advise the Court that the Petitioners are withdrawing the Petition.

7. Respondents consent to and support this motion. The Respondents have filed an affirmation of non-opposition to accompany this motion.

Dated: New York, New York
June 4, 1998

By: _____
Lawrence A. Blatte
(LB-2977)

Counsel of Record

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